

REMARKS

Applicants will address the various matters raised in the Office action in the order raised therein.

Responsive to the objection to the drawings in paragraph 2 of the action for failing to comply with 37 CFR §1.84(p)(4), Applicants propose to amend FIG. 5G-H as specified in the replacement drawings are attached herewith. In particular, as described above, FIG. 5G is amended by relabeling the step of Supplier Agreement Management as step 560. Similarly, the step of Plan Subcontract Management in FIG. 5H is relabeled as step 561. These proposed changes seek to unify the number references used throughout the drawings and the specification. Applications believe that no new matter is presented through this amendment and, accordingly, urge that this amendment be entered. Applicants respectfully submit that this amendment addresses all current grounds for objection to the drawings.

Applicants further seek to amend the specification as specified above. It is believed that these changes to the specification addresses the concerns raised in paragraphs 3 and 4 of the action. The other changes to the specification seek to minimize use of the trademarked expression CMM®. Again, Applications believe that no new matter is presented through these changes to the specification, and, accordingly, urge that this amendment be entered.

Claims 1-50 have been canceled and new claims 51-71 (including independent claims 51, 66, and 69) have been added. It is believed that the amended claims, as discussed below, address all grounds for claim objections and rejection. With respect to the claim objections of paragraphs 6 and 7, Applicants have cancelled the existing claims and have carefully prepared new claims 51-72 in hope of avoiding further objections.

With respect to the various claim rejections of paragraphs 7-15, Applicants have carefully reviewed the Office actions and the references cited therein and respectfully submit that the cited references neither teach nor suggest the present invention. The present invention provides for a particular scheme for satisfying the requirements for various levels of CMM maturity in a time and cost efficient manner and integrating the satisfaction of these requirements with the actual design, development, production, and marketing of a product. Applicants are not seeking to claim creation of the elements of the CMM, as described in the Paulk reference, systemic software engineering that may incorporate principles of the CMM, as described in the Major reference, or general software engineering principles, as described in the Bowman-Amuah reference. While Applicants believe that the amended claims obviate the various grounds for rejection raised by the action, each of the grounds is separately addressed below.

Claim Rejections – 35 USC §112(1)

In paragraphs 7-8, the Office action rejected claims 1-44 under 35 USC §112, first paragraph, as containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Applicants respectfully suggest that ample support for the method claims appears in the

extensive specification, numerous figures and the claims as originally filed. For example, claim 1 (now cancelled) provided the steps of managing an organization developing a product, whereby said organizational management comprises (1a) managing personnel of the organization and (1b) implementing a product improvement process; (2) managing a project for developing the product; and (3) managing the delivery of the product. The process of (1a) managing personnel is depicted in FIG. 2A-2I and described in the accompanying text between pages 7 and 28. In the same way, the process of (1b) implementing a product improvement process is described in FIGS. 3A-3D and the accompanying text at pages 28-34; the process of (2) managing a developing project is described in FIGS. 5A-5O and the accompanying text at pages 41-63; and the process of (3) managing delivery is provided in FIGS. 6A-10E and the accompanying text at pages 63-92. Similarly, the process of planning the product improvement process in claim 2 (now cancelled) is provided in FIGS. 4A-4F and the accompanying text at pages 34-41.

In particular, these processes are described as a series of steps that are summarized in the specification. Applicants acknowledge that some of these steps are well known in the field of process engineering and may be adapted as needed for the product and industry of application. These and other step are also particularly known in application of the CMM®, as described in the Paulk reference cited in the Office Action and other publications and guides published by the Software Engineering Institute (SEI), which defines and administers the CMM. For instance, certain steps related to the creation, administration, and documentation of a software engineering process group (SEPG) in prior claims 4-7 (now cancelled) are defined in within the standards of the CMM.

As described above, the CMM functions as a checklist of activities that guides an organization in designing and producing more mature, better products. The present invention provides a time and cost efficient manner for implementing these steps and integrates these steps into a commercially viable process for developing a new product. While applicants strongly believe that the claims, as originally filed, embody the unique and inventive aspects of the present invention, Applicants have amended the claims to clarify the unique and inventive nature.

Claim Rejections – 35 USC §102

In paragraphs 9-10, the Office action rejected claims 1-3, 8, 10-17, 22-23, and 36-45 under 35 USC §102(b) as being anticipated by the Major, *et al.*, reference. Applicants have carefully reviewed the Major reference and respectfully submit that it neither teaches nor suggests the present invention as embodied in the claims. In particular, the Major reference merely provides an overview of company-wide quality control measures and goals implemented at Motorola®. Specifically, the Major reference provides that company implemented a various efforts to improve product quality that included aspects of the CMM®. While the present invention may share some of the goals and general themes described in the Major reference, applicants respectfully submit that the present invention provides a detailed product quality improvement scheme and system that is not present in the Major reference.

With reference to new claim 51:

A process for accelerating improvement to a product, the method comprising:

- a) **a step for managing an organization developing said product**, said step for managing an organization comprising
 - a step for managing personnel of said organization, and
 - a step for implementing a product improvement process as needed to create and maintain a Software Engineering Process Group (SEPG);
 - b) **a step for managing a project for development of said product**; and
 - c) **a step for managing delivery of said product**,
- whereby the step for managing the organization, the step for managing project development; and the step for managing delivery occur concurrently, whereby results from the step for managing the organization are used to modify the step for managing project development and the step for managing delivery, and whereby results from the step for managing project development and results from the step for managing delivery are used to modify the step for managing the organization.

Claim 51 and its dependent claims (and associated claims 69-71) have been drafted in a "step+function" format to invoke 35 USC §112(6). Accordingly, Applicants urge that the Major reference does not anticipate these method steps. While applicants agree that the generic function of managing an organization is a well-known and almost universally adapted business practice, the particular set of actions undertaken in the present invention to accomplish the function of organizational management, as described in FIGS. 2A-3D and the supporting text in the specification, is simply not present in the Major reference. While the Major reference may provide the performing of similar functions, the differences in the steps performed to achieve this function may not be ignored. See MPEP § 2181 and In re Donaldson, 16 F.3d 1189, (Fed. Cir. 1994) cited therein. For instance, the Major reference does not teach or suggest any steps of a Product Improvement Process to create and maintain a Software Engineering Process Group (SEPG). As stated in MPEP §2131, to anticipate a claim under 35 USC §102(e), the cited reference must teach every element of the claim. Likewise, the Major reference does not teach or suggest the particular steps of the present invention's step for managing a project for development of said product as depicted in FIGS. 5A-5O; and step for managing delivery of said product as depicted in FIGS. 6A-10F. Again, while the general functions of managing a product development project and managing product delivery may be suggested, the Major reference does not teach or suggest the particular steps employed in the present invention to achieve these functions.

With respect to new claim 66 and the claims dependent therefrom, the present invention further provides a specific ordering of steps to accelerate product improvement. As described in the application, the CMM provides no guidance in scheduling or sequencing product improvement efforts but, rather, provides a mere checklist of activities as needed for certification. The particular order of steps provided in the present invention substantially expedited systemic product improvement efforts. As stated the Major reference, the Motorola's restructuring to

improve product improvement required extensive resources and took years to implement. The Major reference (and the other references cited in the Office action) simply do not teach or suggest the specific ordering of tasks specifically provided in claim 66 and its dependent claims.

In summary, the amended claims 51-71 contain elements which are not taught in any of the cited references. Applicants thus believe that the rejection under 35 USC §102(e) has been overcome.

Claim Rejections – 35 USC §103

In paragraphs 11-13, the Office action rejected claims 4-7, 9, 20-21, 24-35 under 35 USC §103(a) as being unpatentable over the Major reference in view of the Paulk reference. The above-comments addressing the Office Action's rejection under 35 USC §102(e) are incorporated by reference herein. As stated in those comments, the present invention provides a detailed process and system for expediting product quality improvement efforts. The claims have been amended to clarify the novel and useful aspects of the present invention. While similar functions are listed in the Major reference and certain individual steps from the CMM are listed in the Paulk reference, these references, by themselves or in combination, do not teach or suggest the present invention as specified in claim 51-71. In particular, these references, even when combined, do not suggest the particular efficient grouping of steps used to accomplish the functions listed in claim 51-65 and 69-71. As explained above, Applicants believe that the Major reference does not teach or suggest the claimed combination of steps used to achieve the desired functions. Applicants similarly believe that the Paulk reference also does not teach or suggest the claimed combination of steps used to achieve the desired functions. Specifically, the Paulk reference merely lists various actions required for CMM certification. The present invention's combinations of actions for achieving the claimed function are simply not found in the Paulk reference.

Applicants further suggest that the Major and Paulk references cannot be combined to produce the particular advantageous combination of steps provided by the present invention to expedite quality improvement efforts. In particular, the Major reference lists various quality improvement efforts, including the implement of organization changes to achieve higher levels of CMM maturity. In no way does the Major reference provide a method for combining or coordinating various quality improvement measures. Likewise, the Paulk reference provides various organizations steps but does not teach suggest desirable combinations of actions.

Likewise the Major and Paulk references, by themselves or in combination, do not teach or suggest the particular ordering of steps specified in the claims. As stated above, the Major or Paulk references merely list some possible actions for achieving product improvement without addressing the ordering of the actions. For instance, the Major reference suggests that the various quality improvement initiatives as a whole were successive, but does not address any other combination of quality improvement measures.

The novelty and utility of the present invention is further suggested through its unexpected benefits. Specifically, an organization implementing particular combinations or orderings of steps provided in the present invention, as embodied in claims 51-71, can improve product quality substantially faster than otherwise possible using known techniques, such as those documented in the Major and Paulk references.

Referring now to paragraphs 14-15, the Office action further rejected claims 18-19 and 46-50 under 35 USC §103(a) as being unpatentable over the Major reference in view of U.S. Patent No. 6,256,773 ("the '773 patent") issued to Bowman-Amuah. As an initial note, applicants believe that the '773 patent does not qualify under 35 USC §102(e) as a patent filed "by another." Specifically, the '773 patent is assigned to Accenture LLP and the present application is assigned to Accenture Global Services GmbH, a wholly owned subsidiary of Accenture LLP. Please note that a recorded assignment to Accenture Global Services GmbH was submitted concurrently with the original filing of the present application. Applicants further aver that the inventors in the present application were under a duty to assign to Accenture Global Services at the time of filing. Thus, as provided in MPEP §§706.02(l)(1)- 706.02(l)(3), the '773 patent should not be used as a prior art reference under 35 USC §§102(e) and 103.

Even if the '773 patent could be used as a 103 reference, Applicants urge that the present invention is patentable over the Major reference in view of the '773 patent. With reference again to the above statements regarding the novelty and benefits of the various unique combinations and orderings of steps to achieve expedited process improvement (as embodied in claims 51-71), the Applicants suggest that the Major reference and the '773 patent do not combine to teach or suggests the claimed groupings and organizations of steps. Specifically, the '773 patent only provides a software-based product improvement framework without suggesting particularly desirable combinations or orderings of the quality improvement efforts, such as those listed in the Major reference.

CONCLUSION

For all of the foregoing reasons, it is respectfully requested that the rejections set forth in the Office Action be withdrawn. All pending claims are allowable over the art of record, and the application is submitted to be in condition for allowance. Favorable reconsideration and a timely Notice of Allowance are respectfully requested.

In the event that an appropriate fee amount is not enclosed by check for fees associated with new claims, an extension of time or an Information Disclosure Statement, fees that may be due, please charge any deficiencies or credit any overpayments to deposit account no. 50-1349.

Appl. No. 10/005,759
Amdt. dated July 14, 2003
Reply to Office Action dated March 12, 2003

Finally, in the event that the Examiner considers certain currently rejected claims to be allowable over the prior art and feels that informal discussion would be helpful in progressing the current application toward allowance, the Examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

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28/73

Annotated Sheet Showing Changes

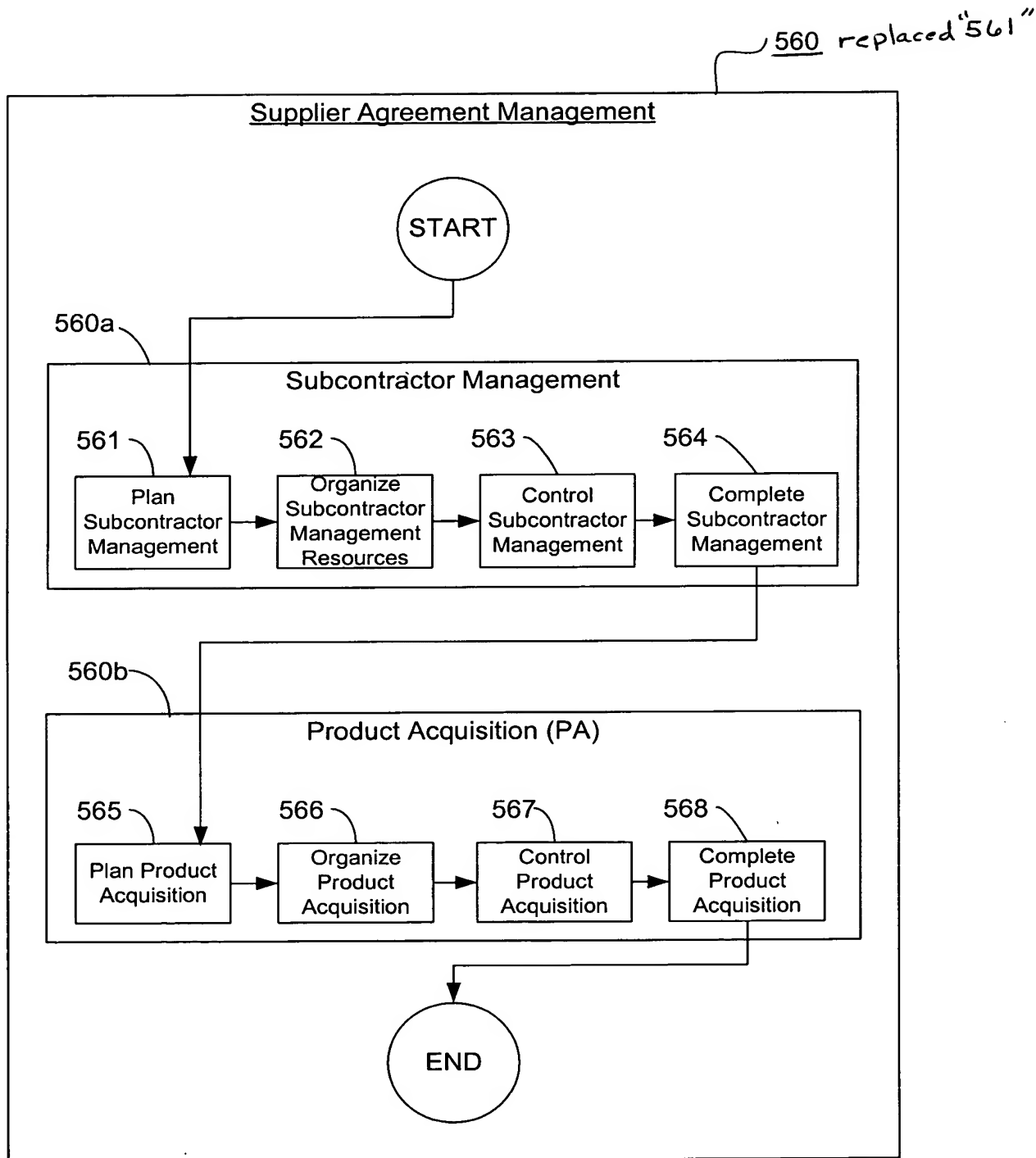


Fig. 5G

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Annotated Sheet Showing Changes

561 replaced "560"

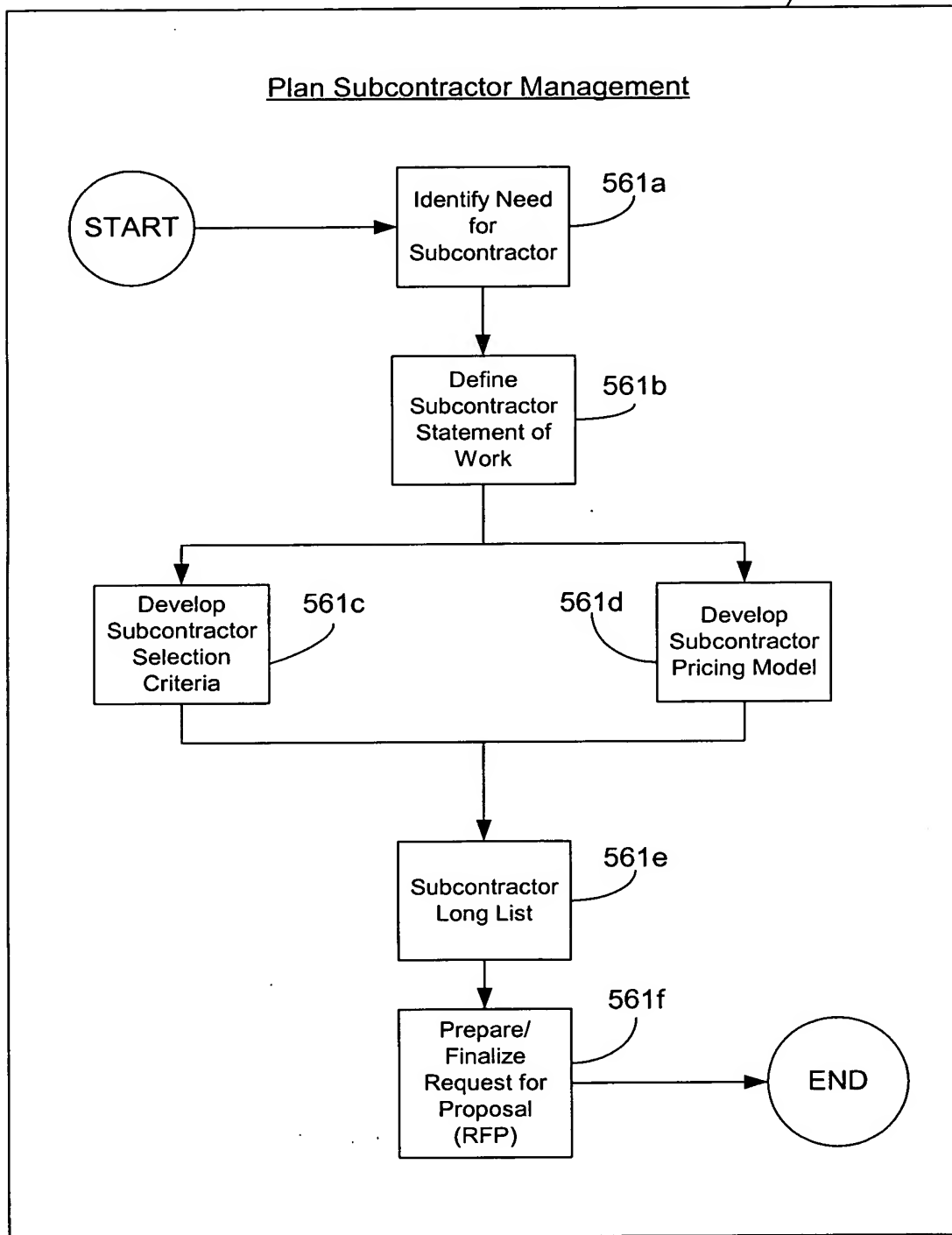


Fig. 5H

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